CF 100/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W. P. (S) No. 4832 /2006

PETITIONER : Smt. Kailasha Bai W/o Shri Jugatu Das
Age about 42 years, R/o Salampur,
P.O. Sakri, Tah. Takhatpur,
Distt. Bilaspur (C.G.)

P.R. No. 4801/06
Presented by Shri Lav Sharma
dated 30/8/06

VERSUS

RESPONDENTS :
1. State of Chhattisgarh
Through :- Secretary,
Department of Public Works,
Dau Kalyan Singh Bhawan,
Raipur (C.G.)

2. Engineer-in-Chief,
Public Works Department,
Raipur (C.G.)

3. Superintending Engineer,
Public Works Department,
Bilaspur Division,
Distt. Bilaspur (C.G.)

4. Executive Engineer,
Public Works Department,
Division No.1 Bilaspur,
Distt. Bilaspur (C.G.)

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WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(33)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 4832 of 2006

Petitioner : Smt. Kailasha Bai

Versus

Respondent : State of Chhattisgarh and others

Shri S. P. Kale, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the respondents.

ORDER

(5th September, 2006)

1. Learned counsel for the petitioner submits that the petitioner was appointed on 1.11.1988 as daily-wager and her engagement is continuing.
2. The petitioner has filed this petition praying for a relief in terms of the judgment and order passed by the Supreme Court in the case of **Secretary, State of Karnataka & others Vs. Umadevi (3) and others**[1] and **Mineral Exploration Corporation Employees' Union v. Mineral Exploration Corporation Limited & Anr.**
3. The Supreme Court in the case of **Secretary, State of Karnataka & others** (supra), in para 53 has held as under:-

> *"53. ..... The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify*

that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularsing or making permanent, those not duly appointed as per the constitutional scheme.

4. The Supreme Court in the case of **Mineral Exploration Corporation Employees' Union** (Supra) in para 17 has held as under:-

> *"17. It is seen from the above paragraph that this Court directed the Union of India, the State Governments and their instrumentalities to regularize as a one-time measure, the services of such irregularly appointed workmen, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaking to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed."*

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on merits of the case, the request made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation, raising all his grievances annexing a copy of the writ petition and its annexures to the concerned authority within a period of ten days from today and the concerned authority is directed to decide the representation within one month from the date of its receipt after considering the points raised by the petitioner, in an objective manner, on its own merits, in accordance with law.

6. With the directions aforesaid, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur

{(2006) 4 SCC 1}[1] {JT 2006 (7) SC 151}[2]